

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Frank J. Bonini, JR. (Reg# 35,452) on 10/9/08.

According to the Attorney's telephonic discussion, Applicant agreed to amend independent Claim 17 and to cancel dependent claims 14 and 19.

The application has been amended as follows:

Claim 14 (Canceled).

17. (Currently amended) A software virus detection apparatus comprising an article of manufacture including computer storage media that implements code, having:

- an evaluative code interpreter for interpreting code that is suspected of containing proscribed code, wherein said interpreter includes a plurality of facilities for facilitating the interpretation of a plurality of code formats and languages in source or compiled form;
- wherein said evaluative interpreter includes at least one facility for evaluatively writing with said interpreter the results of said interpretation, wherein said results of said interpretation consist of a summarily evaluation of said suspect code;

- a pattern analyzer for scanning the results of said interpretation for the presence of proscribed code;

- a results evaluator for identifying proscribed code in said results; and - a reporter; wherein said results evaluator makes results available to said reporter, wherein said reporter reports said results to a processor for further processing of said results with a processing component;

wherein said evaluative code interpreter further reviews said code for ascertaining in said suspect code the presence of one or more instructions selected from the group consisting of file open write and file open modify;

wherein said evaluative interpreter is configured to set a pointer in a code sequence containing said one or more instructions;

wherein said evaluative interpreter is configured to set an emergency flag; ~~and~~

wherein said evaluative interpreter is configured to send to a reporter an emergency message[.]; and

wherein said evaluative interpreter further comprising means for communicating an alert from said reporter to a recipient.

Claim 19 (Canceled).

Allowable Subject Matter

2. Claims 5, 12, and 15-18 are allowed.
3. The following is an examiner's statement of reasons for allowance:

In the non-final office action mailed on January 09, 2008, examiner indicated the subject matter defined by dependent claim 14 to be allowable over the prior art. In reply, applicant has rewritten allowable claim 14 in independent form as new claim 15 to include the subject matter of claim 14 and claim 13 from which it depended. New claim 17 (now amended, as a result of examiner's amendment) includes the features similar to those recited in allowable claim 14 (now new claim 15). Therefore, claims 5, 12 and 15-18 are in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH PALIWAL whose telephone number is (571)270-1807. The examiner can normally be reached on M-F: 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. P./
Examiner, Art Unit 2435
/KimYen Vu/
Supervisory Patent Examiner, Art Unit 2435